



Use of Advertising and Facilitators in Adoptive Placements: Summary of State Laws

Making Adoptive Placements

All States permit the placement of children for adoption by agencies, either publicly sponsored agencies, such as a department of the State government, or private child-placing agencies that have been licensed by the State. These placements are known as agency adoptions. Many people choose to adopt without the involvement of an agency; these placements are known as private placements or independent adoptions. Private placement is often preferred by people who want to adopt newborn infants or want to avoid the often years-long waiting lists of agency adoptions.

The challenge for prospective adoptive parents in a private placement is locating a child who is appropriate for their family or finding birth parents willing to place their child for adoption. Some parents choose to advertise their interest in adopting, while others may choose to utilize the services of adoption facilitators or intermediaries. In an effort to protect the interests of all parties, many States have enacted laws that either prohibit or regulate these means of making private adoptive placements.

Use of Advertising

Advertising is defined as the publication in any public medium, either print or electronic, of either an interest in adopting a child or the availability of a specific child for adoption. This can include newspapers, radio, television, the Internet, billboards, or print flyers. Approximately¹ 26 States currently have enacted statutes that in some way limit or regulate the use of advertising in adoptive placement.

States That Permit Adoption Advertising. Connecticut specifically allows advertising by birth parents and prospective adoptive parents. An additional eight States allow advertisement by agencies and other entities such as attorneys (in Florida), crisis pregnancy centers (Louisiana), birth parents (Nebraska), facilitators (North Carolina), and prospective adoptive parents who have favorable preplacement assessments (North Carolina, Oklahoma, Oregon, Washington, and Wisconsin). Georgia allows the use of public advertising by agencies only; individuals such as birth parents and prospective adoptive parents may exchange information by private means only, such as letters or phone calls.

¹ The word *approximately* is used to stress the fact that the States frequently amend their laws, so this information is current only through April 2004.



Use of Facilitators or Intermediaries

States That Prohibit Adoption Advertising. Two States (Alabama and Kentucky) prohibit any use of advertising by any person or entity. Another 12 States² prohibit advertising by anyone other than the State department or a licensed agency. Utah specifically prohibits advertising by attorneys, physicians, or other persons. In Virginia, no person or agency may advertise to perform any adoption-related activity that is prohibited by State law,³ and a physician, attorney, or clergyman may not advertise that he or she is available to make recommendations for adoptive placement, as that is also an activity that is prohibited by law.

In an independent or private placement adoption, a person or organization will often act as an intermediary (or facilitator) to match up or bring together a prospective adoptive parent with a birth mother wishing to place her child. An intermediary or adoption facilitator is any person or entity that is not an approved or licensed agency that acts on behalf of any birth parent or prospective adoptive parent in connection with the placement of the child for adoption. In an effort to ensure that no person, either the intermediary or a member of the birth family, profits from the placement of a child, many States have enacted statutes that regulate the use of intermediaries or facilitators.

States That Prohibit the Use of Facilitators. Approximately two States (Delaware and Kansas) strictly prohibit any use of facilitators or intermediaries. Five States prohibit their use by restricting the placement of children to licensed agencies only (in Georgia, Montana, Nevada, New Mexico, and Oregon). Kentucky, Massachusetts, Minnesota, Nebraska, and the District of Columbia restrict the placement of children to either an agency or a member of the child's birth family. Ohio and Oklahoma limit placements to an agency, family member, or attorney.

States That Regulate the Activities of Facilitators. Twelve States⁴ regulate the activities of intermediaries by limiting the compensation that they can receive. It is illegal for these entities to receive any payment for the placement of the child; reimbursement for actual medical or legal services is the only payment that they can receive. In New York, facilitators can be used only for intercountry adoptions; all other adoptive placements must be made through a licensed agency. Eight States⁵ allow the use of adoption facilitators, but detail in statute the activities they are permitted or the services they are required to offer. These requirements may include:

- Providing written information about the adoption process to all parties (in California, Florida, Michigan, and Washington)
- Providing to the adopting parent any available background information about the child's birth parent (in California, Michigan, and Pennsylvania)
- Making sure that the adopting parents have completed favorable home studies (in New Jersey and Pennsylvania)
- Reporting to the court all fees and expenses paid (in California, Florida, and Pennsylvania)

² California, Delaware, Idaho, Kansas, Maine, Massachusetts, Montana, Nevada, New Hampshire, North Dakota, Ohio, and Texas.

³ Virginia law prohibits payment for making an adoptive placement, except for compensation for specific services such as agency fees, medical or legal expenses, or other reasonable expenses connected with the adoption process.

⁴ Alabama, Colorado, Louisiana, Maryland, Missouri, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, and West Virginia.

⁵ California, Florida, Michigan, New Jersey, North Carolina, Pennsylvania, Vermont, and Washington.

In Florida, where adoption facilitators are frequently attorneys, the law requires the facilitator to obtain all necessary consents, file petitions and affidavits, and serve notices of hearings. In North Carolina and Vermont, the law explicitly states that a parent or guardian must personally select a prospective adoptive parent, and the role of a facilitator is limited to either assisting the birth parent in evaluating that choice or assisting a prospective adoptive parent in locating a child who is available for adoption.

This publication is a product of the State Statutes Series prepared by the National Adoption Information Clearinghouse (NAIC). While every attempt has been made to be as complete as possible, additional information on these topics may be in other sections of a State's code as well as agency regulations, case law, and informal practices and procedures.

Electronic copies of this publication may be downloaded from the Clearinghouse website at <http://naic.acf.hhs.gov/general/legal/statutes/advertising.cfm>

- To find statute information for a particular State, go to <http://naic.acf.hhs.gov/general/legal/statutes/search> and select the specific State and topic.
- To find information on all of the States and territories, view the complete PDF at <http://naic.acf.hhs.gov/general/legal/statutes/advertisingall.pdf> or call the Clearinghouse at (888) 251-0075 or (703) 352-3488 to order a copy.

Alabama**Use of Advertisement**
Statute: § 26-10A-36

It shall be unlawful for any person, organization, hospital, or agency to advertise verbally, through print, electronic media, or otherwise that they will adopt children or assist in the adoption of children.

Use of Intermediaries/Facilitators
Statute: § 26-10A-34

- It shall be unlawful for any person or agency to offer to receive payment for placing, assisting, or arranging a minor placement.
 - Maternity-related medical and living expenses are allowed.
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Alaska**Use of Advertisement**

Not addressed in statutes reviewed

Use of Intermediaries/Facilitators

Not addressed in statutes reviewed

American Samoa**Use of Advertisement**

Not addressed in statutes reviewed

Use of Intermediaries/Facilitators

Not addressed in statutes reviewed

Arizona**Use of Advertisement**

Not addressed in statutes reviewed

Use of Intermediaries/Facilitators

Not addressed in statutes reviewed

Arkansas**Use of Advertisement**

Not addressed in statutes reviewed

Use of Intermediaries/Facilitators

Not addressed in statutes reviewed

California**Use of Advertisement****Statute: Family § 8609(a)**

No person or organization may advertise in any periodical or newspaper, by radio, or other public medium, that he, she, or it will place or provide children for adoption, or cause any advertisement to be published in any public medium soliciting, requesting, or asking for any child or children for adoption, unless that person or organization is licensed to place children for adoption by the department.

Use of Intermediaries/Facilitators**Statute: Family §§ 8623 through 8638**

An 'adoption facilitator' is a person or organization, not licensed as an adoption agency, that advertises for the purpose of soliciting parties to an adoption, locating children for an adoption, or acting as an intermediary to an adoption.

Requirements for adoption facilitators include:

- Any advertising must disclose identity of the facilitator and make plain that it is not an adoption agency.
 - Parties must be provided a description of services.
 - Adopting parents must be given in writing all information provided by the birth parents about the child.
 - Fees and expenses paid must be reported to the court.
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Colorado**Use of Advertisement**

Not addressed in statutes reviewed

Use of Intermediaries/Facilitators**Statute: § 19-5-213**

- No person, other than an adoption exchange whose membership includes county departments and child placement agencies, a licensed child placement agency, or a county department, shall offer, give, charge, or receive any money or other consideration or thing of value in connection with locating or identifying for purposes of adoption any child, natural parent, expectant natural parent, or prospective adoptive parent.
 - Physicians and attorneys may charge reasonable fees for professional services customarily performed by such persons.
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Connecticut**Use of Advertisement****Statute: § 45a-728d**

- Any birth parent may advertise through any public media in this State for the placement of his or her child for the purposes of adoption.
- Any prospective adoptive parent may advertise through any public media in this State for placement of a child into his or her care for the purpose of adoption.

Use of Intermediaries/Facilitators

Not addressed in statutes reviewed

Delaware**Use of Advertisement**
Statute: Title 13, § 930

Only the department or a licensed agency may advertise in this State regarding the availability of adoption services or for the placement of a child for the purpose of adoption.

Use of Intermediaries/Facilitators
Statute: Title 13, §§ 904; 906

- No placement for an identified adoption in which an intermediary has been involved shall be approved.
 - All petitions for adoption shall have attached an affidavit attesting that no intermediary assisted in locating the child.
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District of Columbia**Use of Advertisement**

Not addressed in statutes reviewed

Use of Intermediaries/Facilitators
Statute: § 4-1405(a)

No person other than the parent, guardian, or relative within the third degree, and no firm, corporation, association, or agency other than a licensed child-placing agency may place or arrange or assist in placing or arranging for the placement of a child under 16 years of age in a family home or for adoption.

Florida**Use of Advertisement**
Statute: § 63.212(1)(g)

- It is unlawful for any person, except an adoption entity, to advertise or offer to the public, in any way, by any medium whatever, that a minor is available for adoption or that a minor is sought for adoption.
- It is unlawful for any person to publish or broadcast any such advertisement without including a Florida license number of the agency or attorney placing the advertisement.

Use of Intermediaries/Facilitators
Statute: §§ 63.032; 63.039; 63.085

An intermediary is an attorney, acting as an adoption entity, who places a child for adoption. An adoption entity has an affirmative duty to:

- Make full disclosure of all State law requirements for adoption
 - Obtain necessary consents
 - File necessary petitions and affidavits
 - Serve notices of hearings
 - Report to court all expenses paid
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Georgia**Use of Advertisement**
Statute: § 19-8-24(a)

- It shall be unlawful for any person, organization, hospital, or association that has not been established as a child-placing agency by the department to advertise, whether in a periodical, by television, by radio, or by any other public medium or by any private means, that the person, organization, hospital, or association will adopt children or will arrange for children to be placed for adoption.
- Individuals seeking to adopt a child or to place their child for adoption may communicate by private means, which include only written letters or oral statements.

Use of Intermediaries/Facilitators
Statute: § 19-8-24(a)(2)

It shall be unlawful for any person, organization, corporation, hospital, or association of any kind, which has not been established as a child-placing agency by the department to directly or indirectly hold out inducements, including any financial assistance except medical expenses, to parents to part with their children.

Guam**Use of Advertisement**

Not addressed in statutes reviewed

Use of Intermediaries/Facilitators

Not addressed in statutes reviewed

Hawaii**Use of Advertisement**

Not addressed in statutes reviewed

Use of Intermediaries/Facilitators

Not addressed in statutes reviewed

Idaho**Use of Advertisement**
Statute: § 18-1512A(1)

No person or entity shall cause to be published or broadcast on radio or television within the State an advertisement or notice of a child or children offered or wanted for adoption, or shall hold himself/herself out through such advertisement as having the ability to place, locate, dispose, or receive a child or children for adoption, unless the person or entity is a duly authorized agent or employee of the Department of Health and Welfare or an institution licensed by the department to care for and place children.

Use of Intermediaries/Facilitators

Not addressed in statutes reviewed

Illinois**Use of Advertisement**

Not addressed in statutes reviewed

Use of Intermediaries/Facilitators

Not addressed in statutes reviewed

Indiana**Use of Advertisement**

Not addressed in statutes reviewed

Use of Intermediaries/Facilitators

Not addressed in statutes reviewed

Iowa**Use of Advertisement**

Not addressed in statutes reviewed

Use of Intermediaries/Facilitators

Not addressed in statutes reviewed

Kansas**Use of Advertisement****Statute: § 59-2123(a)(1), (b)-(c)**

- No person shall advertise that such person will adopt, find an adoptive home for a child, or otherwise place a child for adoption.
- This provision shall not apply to a licensed child placement agency.
- As used in this section, 'advertise' means to communicate by newspaper, radio, television, handbills, placards or other print, broadcast or electronic medium.

Use of Intermediaries/Facilitators**Statute: § 59-2123(a)(2)-(3)**

- No person shall offer to adopt, find a home for, or otherwise place a child as an inducement to a woman to come to such person's maternity center during pregnancy or after delivery.
 - No person shall offer to adopt, find a home for or otherwise place a child as an inducement to any parent, guardian or custodian of a child to place such a child in such person's home, institution or establishment.
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Kentucky**Use of Advertisement**
Statute: § 199.590(1)

- A person, corporation, or association shall not advertise in any manner that it will receive children for the purpose of adoption.
- A newspaper published, prepared, sold, or distributed in the Commonwealth of Kentucky shall not contain an advertisement that solicits children for adoption or solicits the custody of children.

Use of Intermediaries/Facilitators
Statute: § 199.590(3)

No person, association, or organization, other than the Cabinet or a child-placing institution or agency, shall place a child or act as intermediary in the placement of a child for adoption or otherwise, except in the home of a stepparent, grandparent, sister, brother, aunt or uncle, or upon written approval of the Secretary.

Louisiana**Use of Advertisement**
Statute: Rev. Stat. § 46:1425(A)

It shall be unlawful for any person other than a licensed child-placing agency or a Louisiana-based crisis pregnancy center to advertise through print or electronic media that it will adopt children or assist in the adoption of children.

Use of Intermediaries/Facilitators
Statute: Rev. Stat. § 14:286(B)-(C)

- The payment or receipt of anything of value for the procurement or assistance in the procurement of a party to an act of voluntary surrender of a child for adoption is prohibited.
 - No petitioner, agency, attorney or other intermediary shall make any payment in connection with an adoptive placement other than for reasonable expenses.
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Maine**Use of Advertisement**
Statute: Title 18-A, § 9-313

Advertising for adoption services or soliciting adoptions is prohibited, except that licensed child-placing agencies may advertise in accordance with rules adopted by the department.

Use of Intermediaries/Facilitators

Not addressed in statutes reviewed

Maryland**Use of Advertisement**

Not addressed in statutes reviewed

Use of Intermediaries/Facilitators**Statute: Fam. Law § 5-327(a)**

- An agency, institution, or individual who renders any service in connection with the placement of an individual for adoption, or in connection with an agreement for the custody of an individual in contemplation of adoption, may not charge or receive from or on behalf of either the natural parent of the individual to be adopted, or from or on behalf of the individual who is adopting, any compensation for the placement or agreement.
 - This subsection does not prohibit the payment, by any interested person, of reasonable and customary charges or fees for hospital or medical or legal services.
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Massachusetts**Use of Advertisement****Statute: Ch. 28A, § 14**

- No person shall cause to be published in a newspaper or to be broadcast on a radio or television station in the Commonwealth an advertisement or notice for the placement or reception of a child under 16 years of age for adoption unless such advertisement is placed by a licensed or approved placement agency, or with the written approval of the office.
- Such advertisement or notice shall include the license or registration number issued to the provider or agency pursuant to § 10.

Use of Intermediaries/Facilitators**Statute: Ch. 28A, § 11(c)**

- No person shall place or knowingly facilitate the placement of any child in the care or control of any other person not related to such child by blood or marriage, or in the care or control of any organization other than a licensed or approved placement agency, for purposes of adoption.
 - No person unrelated to such child by blood or marriage, and no organization other than a licensed or approved placement agency, shall receive such a child for purposes of adoption, except from a licensed or approved placement agency.
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Michigan**Use of Advertisement**

Not addressed in statutes reviewed

Use of Intermediaries/Facilitators**Statute: MCL §§ 722.124b(c)-(d); 722.956**

- 'Adoption facilitator' is a child-placing agency or attorney who assists a birth parent or adoptive parents with adoption.
- 'Primary adoption facilitator' is the adoption facilitator who files court documents on behalf of the adoptive parents.
- The adoption facilitator shall:
 - Provide needed services
 - Provide the pamphlet prepared by the department describing the adoption process
 - Describe to the birth parent the process of selecting adoptive parents
 - Provide to adoptive parents any available nonidentifying information about the child
 - Disclose to adoptive parents all known information about the child's medical or psychological needs

Minnesota**Use of Advertisement**

Not addressed in statutes reviewed

Use of Intermediaries/Facilitators

Statute: §§ 259.21; 259.47

No person, other than the commissioner or an agency, may engage in placement activities, without being licensed by the commissioner, except for the placement of a child by a birth parent or legal guardian in a preadoptive home. 'Placement activities' include:

- Placement
 - Arranging or providing short-term foster care pending an adoptive placement
 - Maintaining a list in any form of birth parents or prospective adoptive parents
 - Collecting health and social histories of a birth family
 - Conducting an adoption study
 - Witnessing consents to an adoption
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Mississippi**Use of Advertisement**

Not addressed in statutes reviewed

Use of Intermediaries/Facilitators

Not addressed in statutes reviewed

Missouri**Use of Advertisement**

Not addressed in statutes reviewed

Use of Intermediaries/Facilitators

Statute: § 568.175

A person, agency, or other organization commits the crime of trafficking in children if he or it offers, gives, receives, or solicits any money, consideration, or other thing of value for the delivery or offer of a child for adoption, or for the execution of a consent to future adoption.

Montana**Use of Advertisement**

Statute: § 42-7-105(1)(a)

No person, other than the department or a licensed child-placing agency, may advertise in any public medium that the person knows of a child who is available for adoption, is willing to accept a child for adoption, or knows of prospective adoptive parents for a child.

Use of Intermediaries/Facilitators**Statute: §§ 42-7-105(1)(b); 52-8-101**

No person, other than the department or a licensed child-placing agency, may engage in placement activities. 'Placement activities' include:

- Placement of a child for adoption or foster care
- Arranging or providing short-term foster care for a child pending an adoptive placement
- Facilitating placement of a child by maintaining a list, in any form, of birth parents or prospective adoptive or foster parents

Nebraska**Use of Advertisement****Statute: § 43-701**

Except as otherwise provided in the Nebraska Indian Child Welfare Act, no person, other than a parent, shall advertise a child for placement unless such person shall be duly licensed by the Department of Health and Human Services under such rules and regulations as the department shall prescribe.

Use of Intermediaries/Facilitators**Statute: § 43-701**

Except as otherwise provided in the Nebraska Indian Child Welfare Act, no person, other than a parent, shall place, assist in placing, or give the care and custody of any child to any person or association for adoption or otherwise, unless such person shall be duly licensed by the Department of Health and Human Services under such rules and regulations as the department shall prescribe.

Nevada**Use of Advertisement****Statute: §§ 127.283; 127.310(1)**

- An agency that provides child welfare services or any child-placing agency may publish in any newspaper published in this State or broadcast by television a photograph or any relevant personal information concerning any child who is difficult to place for adoption.
- A child-placing agency shall not publish or broadcast:
 - Any personal information that reveals the identity of the child or his parents; or
 - A photograph or personal information of a child without the prior approval of the agency having actual custody of the child.
- No person or organization, other than an agency that provides child welfare services, may advertise in any periodical or newspaper, or by radio or other public medium, that he will place children for adoption, or accept, provide, or obtain children for adoption, unless he holds a valid license to place children for adoption.

Use of Intermediaries/Facilitators**Statute: §§ 127.240; 127.285(1)**

- No person may place, arrange the placement of, or assist in placing or in arranging the placement of, any child for adoption without securing and having in full force a license to operate a child-placing agency issued by the division.
- This subsection applies to agents, servants, physicians, and attorneys of parents or guardians, as well as to other persons.
- This section does not prohibit a person, including a person acting in his or her professional capacity, from sharing information regarding an adoption if no money or other valuable consideration is paid.
- An attorney may not receive compensation for taking part in finding children for adoption, or finding parents to adopt children.

New Hampshire**Use of Advertisement**
Statute: § 170-E:39

- A child-placing agency licensed or operating under a permit issued by the department may publish advertisements of the services for which it is specifically licensed or issued a permit under this subdivision.
- No person who is required to obtain a license or permit under this subdivision may advertise or cause to be published an advertisement soliciting or offering a child for placement unless the person has obtained the requisite license or permit.

Use of Intermediaries/Facilitators

Not addressed in statutes reviewed

New Jersey**Use of Advertisement**

Not addressed in statutes reviewed

Use of Intermediaries/Facilitators
Statute: §§ 9:3-38(l); 9:3-39.1(a)(4)

- An 'intermediary' is any person or entity, which is not an approved agency that acts for or between any birth parent and any prospective adoptive parent, on behalf of either in connection with the placement of a child for adoption.
 - An intermediary shall not receive money or other valuable consideration in connection with such placement.
 - When placement is through an intermediary:
 - The person with whom the child is placed has been approved for placement by an approved agency home study.
 - The birth parent has been offered counseling.
 - Written notice shall be given to the birth parent.
 - A decision by the birth parent not to place the child cannot be conditioned upon reimbursement of expenses paid by the adoptive parent.
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New Mexico**Use of Advertisement**

Not addressed in statutes reviewed

Use of Intermediaries/Facilitators
Statute: § 32A-5-42(A)

- No person, other than an agency, may select an adoptive family for a prospective adoptee or arrange for the selection.
 - The exchange of information between persons regarding the existence of a potential adoptee or adoptive family is not prohibited.
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New York**Use of Advertisement**

Not addressed in statutes reviewed

Use of Intermediaries/Facilitators**Statute: Soc. Serv. § 374(2); Dom. Rel. § 115-a**

- Only an authorized agency shall place any child.
- This section does not limit the right of a parent, legal guardian, or relative within the second degree to place a child.
- Provisions related to a child brought into the State from outside the U.S. for private-placement adoption:
 - The written application shall include the names and addresses of the intermediaries, if any, through whom the adoptive parents learned of the existence and eligibility of the child.
 - The preadoption investigation report shall include the compensation paid or agreed upon with respect to the placement of the child for adoption.

North Carolina**Use of Advertisement****Statute: § 48-10-101(b)-(b1)**

- No one other than a county department of social services, an adoption facilitator, or a licensed agency may advertise in any periodical or newspaper, or by radio, television, or other public medium, that any person or entity will place or accept a child for adoption.
- This article shall not prohibit a person from advertising that the person desires to adopt.
- This section shall apply only to a person with a current completed preplacement assessment finding that person suitable to be an adoptive parent.
- The advertisement may be published only in a periodical or newspaper or on radio, television, cable television, or the Internet.
- The advertisement shall include a statement that (i) the person has a completed preplacement assessment finding the person suitable to be an adoptive parent; (ii) identifies the name of the agency that completed the preplacement assessment; and (iii) identifies the date the preplacement assessment was completed.
- Any advertisement under this subsection may state whether the person is willing to provide lawful expenses as permitted by § 48-10-103.

Use of Intermediaries/Facilitators**Statute: §§ 48-1-101(a), (3a); 48-3-202(a)**

- An 'adoption facilitator' is an individual or a nonprofit entity that assists birth parents in locating and evaluating prospective adoptive parents without charge.
- No one other than a parent, guardian, or agency may place a minor for adoption.
- No one other than a parent, guardian, agency, or an adoption facilitator may solicit potential adoptive parents for children in need of adoption.
- No one other than an agency or an adoption facilitator, or an individual with a completed preplacement assessment that contains a finding that the individual is suitable to be an adoptive parent or that individual's immediate family, may solicit for adoption a potential adoptee.
- In a direct placement, a parent or guardian must personally select a prospective adoptive parent, but a parent or guardian may obtain assistance from another person or entity, or an adoption facilitator, in locating or evaluating a prospective adoptive parent, subject to the limitations of Article 10 of this chapter.

North Dakota**Use of Advertisement****Statute: §§ 23-16-08; 50-11-06; 50-19-11**

- No hospital providing maternity care may in any way advertise that it will give children for adoption or hold itself out, directly or indirectly, as being able to dispose of children; however, such hospitals may inform an unmarried mother of child-placing agencies licensed by the Department of Human Services.
- No facility licensed under this chapter [to provide foster care] may advertise children for adoption, or be held out directly or indirectly, as being able to dispose of children, without first being licensed so to do under chapter 50-12.
- No maternity home for unmarried mothers licensed under the provisions of this chapter may in any way advertise that it will give children for adoption, or hold itself out, directly or indirectly, as being able to dispose of children, but may inform an unmarried mother of licensed child-placing agencies.

Use of Intermediaries/FacilitatorsNot addressed in statutes reviewed

Northern Mariana Islands**Use of Advertisement**

Not addressed in statutes reviewed

Use of Intermediaries/FacilitatorsNot addressed in statutes reviewed

Ohio**Use of Advertisement****Statute: § 5103.17**

Subject to § 5103.16, no person or government entity, other than a private child-placing agency or private noncustodial agency certified by the department, or a public children services agency, shall advertise that the person or government entity will adopt children, or place them in foster homes, hold out inducements to parents to part with their offspring, or in any manner knowingly become a party to the separation of a child from the child's parents or guardians, except through a juvenile court or probate court commitment.

Use of Intermediaries/Facilitators**Statute: § 3107.011**

- A person seeking to adopt a minor shall utilize an agency or attorney to arrange the adoption. An attorney may not represent with regard to the adoption both the person seeking to adopt and the parent placing a child for adoption.
- Any person may informally aid or promote an adoption by making a person seeking to adopt a minor aware of a minor who will be or is available for adoption.

Oklahoma**Use of Advertisement****Statute: Title 21, § 866(A)(1)(e)-(f)**

The crime of trafficking in children includes:

- Advertising of services for compensation to assist with or effect the placement of a child for adoption by any person or organization except by the Department of Human Services or a child-placing agency licensed in this State. Nothing in this paragraph shall prohibit an attorney authorized to practice law in Oklahoma from the advertisement of legal services related to the adoption of children.
- Advertisements for and solicitation of a woman who is pregnant to induce her to place her child upon birth for adoption, except by a licensed child-placing agency or an attorney authorized to practice law in Oklahoma.

Nothing in this section shall prohibit a person from advertising to solicit a pregnant woman to consider adoptive placement with the person or to locate a child for an adoptive placement into the person's own home, provided that such person has received a favorable preplacement home study recommendation in accordance with § 7505-5.1 of this title.

Use of Intermediaries/Facilitators**Statute: Title 21, § 866(A)(1)(a)-(d)**

The crime of trafficking in children includes:

- The acceptance, solicitation, offer, payment, or transfer of any compensation, in money, property, or other thing of value, at any time, by any person in connection with the acquisition or transfer of legal custody or adoption of a minor child, except as ordered by the court or as provided by law.
- The acceptance or solicitation of any compensation by any person or organization for services performed, rendered, or purported to be performed to facilitate or assist in the adoption of a minor child, except by the Department of Human Services, a licensed child-placing agency, or an attorney.
- Bringing or causing to be brought into the State any child for the purpose of placing such child in a foster home or for the adoption thereof without first complying with the Interstate Compact on the Placement of Children (ICPC). This provision shall have no application to the parent or guardian of the child nor to a person bringing said child into the State for adopting the child into such person's own family.

Oregon**Use of Advertisement****Statute: § 109.311(4)**

- It is unlawful for any person to advertise a child offered or wanted for adoption; or that the person is able to place, locate, dispose of, or receive a child for adoption.
- The provisions of this section do not apply to:
 - The State Office for Services to Children and Families or licensed Oregon adoption agency or an agent, employee, or person with whom the Office or adoption agency has a contract authorizing such actions; or
 - A person who has completed a home study and has received a favorable recommendation regarding the fitness of the person to be an adoptive parent or the person's attorney or uncompensated agent. A written declaration by the person who prepared the home study is sufficient verification of compliance.
- 'Advertise' means to communicate by newspaper, radio, television, handbills, placards or other print, broadcast or electronic medium that originates with the State.

Use of Intermediaries/Facilitators**Statute: § 109.311(3)**

A person may not charge, accept, or pay or offer to pay a fee for locating a minor child for adoption or for locating another person to adopt a minor child, except that Oregon licensed adoption agencies may charge reasonable fees for services provided by them.

Pennsylvania**Use of Advertisement**

Not addressed in statutes reviewed

Use of Intermediaries/Facilitators

Statute: 23 PCSA §§ 2102; 2530; 2533

- An 'intermediary' is a person or agency acting between the parent or parents and proposed adoptive parent or parents in arranging an adoptive placement.
 - No intermediary shall place a child with a prospective adoptive parent unless there is a favorable home study that has been completed within 3 years and supplemented within 1 year.
 - If the home study has not been completed, the child may be placed with the prospective adoptive parent if the intermediary has no reason to believe that the parent would not receive a favorable recommendation, the agency conducting the home study assents to the interim placement, and the intermediary notifies the court.
 - Within 6 months of filing the report of intention to adopt, the intermediary shall make a written report, to include:
 - Family background information about the child
 - Name and address of the intermediary
 - An itemized accounting of moneys and considerations paid or to be received by the intermediary or any other person
 - Only the following payments to an intermediary are permitted:
 - To reimburse medical and hospital expenses of the birth mother for prenatal care and hospital expenses of mother and child incident to birth
 - Medical, hospital, and foster care expenses of the child prior to adoption
 - Reasonable expenses for counseling and training services provided to the adoptive parents, or for home studies or investigations
 - Reasonable administrative expenses, including overhead costs and attorney fees
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Puerto Rico**Use of Advertisement**

Not addressed in statutes reviewed

Use of Intermediaries/Facilitators

Not addressed in statutes reviewed

Rhode Island**Use of Advertisement**

Not addressed in statutes reviewed

Use of Intermediaries/Facilitators

Not addressed in statutes reviewed

South Carolina**Use of Advertisement**

Not addressed in statutes reviewed

Use of Intermediaries/Facilitators

Statute: §§ 20-7-1650(e); 20-7-1690(F); 20-7-1730(A)(11)

- A person or entity who offers services for compensation where the intent of those services is to arrange or secure adoptions must be considered 'facilitating the placement of children for adoption,' whether those services constitute counseling, referrals, searches, or any other form of adoption services.
 - An attorney who represents a client in an adoption or who otherwise facilitates an adoption is exempt from this definition.
 - Under no circumstances may a child-placing agency or any person receive any compensation for giving a consent or relinquishment of a child for the purpose of adoption, and no child-placing agency or person may receive a child for payment of any such compensation.
 - A petition for adoption shall specify the name and address of the child-placing agency or the person facilitating placement of the child for adoption, if any.
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South Dakota**Use of Advertisement**

Not addressed in statutes reviewed

Use of Intermediaries/Facilitators

Statute: § 25-6-4.2

Any person who offers, gives, or receives any money or other consideration or thing of value in connection with the placing of a child for adoption, or relating to the consent to adoption, or with the petition for adoption except such charges as are approved by the court and fees charged by licensed agencies, is guilty of a felony.

Tennessee**Use of Advertisement**

Not addressed in statutes reviewed

Use of Intermediaries/Facilitators

Statute: § 36-1-108(a)

- No person, corporation, agency, or other entity, except the department or a licensed child-placing agency or licensed clinical social worker, shall engage in the placement of children for adoption.
- This section shall not be construed to prohibit any person from advising parents of a child or prospective adoptive parents in making necessary arrangements for adoption so long as no remuneration, fees, contributions, or things of value are given or received from any person or entity for such service other than usual and customary legal and medical fees.

Texas**Use of Advertisement
Statute: Penal § 25.09**

- A person commits an offense if the person advertises in the public media that the person will place a child for adoption or will provide or obtain a child for adoption.
- This section does not apply to a licensed child-placing agency that is identified in the advertisement as a licensed child-placing agency.
- 'Public media' includes newspaper or other periodical, billboard or other sign, radio or television broadcast, or communications through the use of the Internet or another public computer network.

**Use of Intermediaries/Facilitators
Statute: Penal § 25.08(a)-(b)**

A person commits an offense if he or she:

- Has custody of a child younger than 18 years of age, and offers to accept, agrees to accept, or accepts a thing of value for the delivery of the child to another for the purposes of adoption
- Offers to give, agrees to give, or gives a thing of value to another for acquiring a child for the purpose of adoption

It is an exception to the application of this section that the thing of value is:

- A fee or reimbursement paid to a child-placing agency as authorized by law
- A fee paid to an attorney, social worker, mental health professional, or physician for services rendered in the usual course of legal or medical practice or in providing adoption counseling
- A reimbursement of legal or medical expenses incurred by a person or the benefit of the child
- A necessary pregnancy-related expense paid by a child-placing agency for the benefit of the child's parent during the pregnancy or after the birth of the child as permitted by the minimum standards for child-placing agencies

Utah**Use of Advertisement
Statute: § 62A-4a-602(2)(b)**

An attorney, physician, or other person may not:

- Issue or cause to be issued to any person a card, sign, or device indicating that he is available to provide child-placing assistance
- Cause, permit, or allow any sign or marking indicating that he is available to provide child-placing assistance, on or in any building or structure
- Announce or cause, permit, or allow an announcement indicating that he is available to provide child-placing assistance, to appear in any newspaper, magazine, directory, or on radio or television
- Advertise by any other means that he is available to provide child-placing assistance

Use of Intermediaries/Facilitators**Statute: § 62A-4a-602(1), (2)(a), (3)**

- No person, agency, corporation, association, or group children's home may engage in child placing, or solicit money or other assistance for child placing, without a valid license. When a child placing agency's license is suspended or revoked, the care, control, or custody of any child who has been in the care, control, or custody of that agency shall be transferred to the division.
 - An attorney, physician, or other person may assist a parent in identifying or locating a person interested in adopting the parent's child, or in identifying or locating a child to be adopted. However, no payment, charge, fee, reimbursement of expense, or exchange of value of any kind may be made for that assistance.
 - Nothing in this part precludes payment of fees for medical, legal, or other lawful services rendered in connection with the care of a mother, delivery and care of a child, or lawful adoption proceedings; and no provision of this part abrogates the right of procedures for independent adoption as provided by law.
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Vermont**Use of Advertisement**

Not addressed in statutes reviewed

Use of Intermediaries/Facilitators**Statute: Title 15A, § 2-102(a)-(d)**

- A parent or guardian authorized to place a minor for adoption may place the minor only with a prospective adoptive parent who has a valid favorable preplacement evaluation or for whom a preplacement evaluation is not required.
 - A parent or guardian shall personally select a prospective adoptive parent.
 - A parent or guardian may be assisted by another person in locating a prospective adoptive parent or in transferring legal and physical custody to a prospective adoptive parent.
 - A prospective adoptive parent may be assisted by another person in locating a minor who is available for adoption.
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Virgin Islands**Use of Advertisement**

Not addressed in statutes reviewed

Use of Intermediaries/Facilitators

Not addressed in statutes reviewed

Virginia**Use of Advertisement****Statute: §§ 63.2-1218; 63.2-1225**

- No person or child-placing agency shall charge, pay, give, or agree to give or accept any money, property, service, or other thing of value in connection with a placement or adoption. No person shall advertise or solicit to perform any activity prohibited by this section.
 - A physician, attorney, or clergyman shall not charge any fee for recommending [a placement of a child for adoption] to a board or agency and shall not advertise that he is available to make such recommendations.
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Use of Intermediaries/Facilitators**Statute: § 63.2-1218**

No person or child-placing agency shall charge, pay, give, or agree to give or accept any money, property, service, or other thing of value in connection with a placement or adoption or any act undertaken pursuant to this chapter except:

- Reasonable and customary services provided by a licensed or duly authorized child-placing agency and fees paid for such services
- Payment or reimbursement for medical expenses, reasonable and necessary living expenses for the birth mother, reasonable expenses incurred incidental to any required court appearance including, but not limited to, transportation, food, and lodging
- Usual and customary fees for legal services in adoption proceedings

Washington**Use of Advertisement****Statute: § 26.33.400(1)-(2)**

- 'Advertisement' means communication by newspaper, radio, television, handbills, placards or other print, broadcast, or other electronic medium.
- No person or entity shall cause to be published for circulation, or broadcast on a radio or television station an advertisement of a child or children offered or wanted for adoption, or shall hold himself or herself out through such advertisement as having the ability to place, locate, dispose, or receive a child or children for adoption unless such person or entity is:
 - A duly authorized agent, contractee, or employee of the department or a children's agency or institution licensed by the department to care for and place children; or
 - A person who has a completed preplacement report with a favorable recommendation as to the fitness of the person to be an adoptive parent.
- Nothing in this section prohibits an attorney from advertising his or her availability to practice or provide services to the adoption of children.

Use of Intermediaries/Facilitators**Statute: §§ 26.33.020(14)(o); 26.33.390(2)-(3)**

- 'Nonidentifying information' includes the name of the agency or individual that facilitated the adoption.
- Any person adopting a child shall receive from the adoption facilitator written information on adoption-related services. This information may be that published by the department or any other social service provider and shall include information about how to find and evaluate appropriate adoption therapists, and may include other resources for adoption-related issues.
- Any person involved in providing adoption-related services shall respond to requests for written information by providing materials explaining adoption procedures, practices, policies, fees, and services.

West Virginia**Use of Advertisement**

Not addressed in statutes reviewed

Use of Intermediaries/Facilitators**Statute: § 48-22-803**

- Any person or agency who knowingly offers, gives, or agrees to give to another person, and any person who receives, accepts, or offers to accept, money, property, service or other thing of value in consideration for the recipient's locating, providing, or procuring a minor child for any purpose that entails a transfer of the legal or physical custody of said child, including, but not limited to, adoption or placement, is guilty of a felony.
- A child whose parent, guardian, or custodian has sold or attempted to sell said child in violation of this article may be deemed an abused child. The court may place such a child in the custody of the department of health and human resources or with such other responsible person as the best interests of the child dictate.
- This section does not prohibit the payment or receipt of the following:
 - Fees paid for reasonable and customary services provided by the department of health and human resources or any licensed or duly authorized adoption or child-placing agency
 - Reasonable and customary legal, medical, hospital, or other expenses incurred in connection with the pregnancy, birth, and adoption proceeding
 - Fees and expenses included in any agreement in which a woman agrees to become a surrogate mother
 - Any fees or charges authorized by law or approved by a court in a proceeding relating to the placement plan, prospective placement, or placement of a minor child for adoption

Wisconsin**Use of Advertisement****Statute: § 48.825**

- 'Advertise' means to communicate by any public medium that originates within this State, including by newspaper, periodical, telephone book listing, outdoor advertising sign, radio, or television.
- No person may do any of the following:
 - Advertise for the purpose of finding a child to adopt
 - Advertise that the person will find an adoptive home for a child or arrange for or assist in the adoption or adoptive placement of a child
 - Advertise that the person will place a child for adoption
- This section does not apply to any of the following:
 - The department, a county department, or a licensed child welfare agency
 - An individual or agency providing adoption information
 - An individual who has received a favorable recommendation regarding his or her fitness to be an adoptive parent in this State from the department, a county department, a licensed child welfare agency, or in another jurisdiction from an entity authorized by that jurisdiction to conduct studies of potential adoptive homes
 - An individual seeking to place his or her child for adoption

Use of Intermediaries/Facilitators

Not addressed in statutes reviewed

Wyoming**Use of Advertisement**

Not addressed in statutes reviewed

Use of Intermediaries/Facilitators

Not addressed in statutes reviewed